

**Town of Milton  
Planning & Zoning Meeting  
Milton Library, 121 Union Street  
Tuesday, May 17, 2011  
7:00 pm**

**Minutes are not Verbatim  
Transcriptionist: Helene Rodgville**

1. Call Meeting to Order
2. Roll Call of Members

Joanne Mattioni	Present
Lynn Ekelund	Present
Bob Heinrich	Present
Don Mazzeo	Present (Chairperson)
Dick Grieg	Absent
Gene Steele	Absent

Don Mazzeo: We do have a quorum.

3. Nomination/Election of Chairperson & Secretary  
Don Mazzeo: Do we have any nominations for Secretary? You have to do this on an annual basis.  
Bob Heinrich: My proposal is to nominate Lynn Ekelund.  
Joanne Mattioni: Second the nomination.  
Don Mazzeo: All in favor say aye. Any nominations for Chairperson?  
Bob Heinrich: I make a move to nominate Don Mazzeo as Chairperson.  
Lynn Ekelund: Second.  
Don Mazzeo: All in favor say aye. Any opposed.
4. Additions/Corrections/ to the Agenda  
Don Mazzeo: Do we have any additions or corrections to the Agenda?
5. Approval of agenda  
Don Mazzeo: Seeing none, we will move along. The Agenda is approved.
6. Approval of minutes of April 19, 2011  
Don Mazzeo: We all have them in our packet this past week. Do we have any additions, corrections, or deletions? Seeing none, do I have a motion to accept the minutes from April 19, 2011?  
Lynn Ekelund: I make a motion to accept the minutes of April 19, 2011.  
Joanne Mattioni: Second.

Don Mazzeo: All in favor say aye. Opposed. Motion is passed.

7. Public Hearing

**a) Request for Conditional Use**

The applicants, Keith and Donna Gordon, are requesting approval for a conditional use to operate a mail order business from their home located at 303 Chestnut Street further identified by Sussex County Tax Map and Parcel # 2-35-20.07-111.00. The property is currently zoned R-1 (Residential).

Don Mazzeo: I will open the Public Hearing portion of this meeting and please be advised that this is your one and only time to comment on this particular application. If you would like to make a statement or have a question, please come forward, state your name and address for the record, as clearly as possible so we have it on record.

▲ Dennis Hughes, 301 Chestnut Street: I live next door to Mr. and Mrs. Gordon, who live at 303. I have no objection to what they're going to do.

Don Mazzeo: Thank you. Are there any other comments, questions, concerns? I see no others.

▲ Don Mazzeo: We do have a letter that was written by Ellen Passman at 305 Federal Street. This will be read into the record. "On the date of this. Attention, Planning & Zoning Commission. I support the approval requested by Keith and Donna Gordon to operate a mail order business from their home at 303 Chestnut, Milton, DE 19968. The Gordon's have been excellent neighbors and I trust will run their business, UK Goods, in a non-intrusive manner as they have always done in the past. It is imperative that the Commission should support all appropriate businesses, especially small business in Milton and as this type of business will not have any negative repercussions to our quiet, residential neighborhood, I have no objection. Please approve their request for Conditional Use permit. Thank you. Ellen Passman." Seeing no further comments, I will be closing the public portion of the meeting. I see a lady here anxious to say something. This is a Public Hearing and we have on record notice to all surrounding properties.

Robin Davis: Yes, all the certified letters were sent out and I received the information back from Mrs. Gordon.

Don Mazzeo: Very good. At this point we will now go to the business portion of the Request for Conditional Use.

8. Business

**a) Preliminary Site Plan Review**

The applicants, Keith and Donna Gordon, are requesting approval

for a conditional use to operate a mail order business from their home located at 303 Chestnut Street further identified by Sussex County Tax Map and Parcel # 2-35-20.07-111.00. The property is currently zoned R-1 (Residential).

Don Mazzeo: Are Keith and Donna Gordon available? Please come forward and tell us all about what you would like to do.

Donna Gordon: Okay, what we would like to do is what we did when we first moved here to Milton and that is, operate our business, UKGoods.com out of our home. It takes up one small bedroom and our basement. We also have a freezer, a stand-up freezer, upright freezer in the shed. We are a very small business. We grew to some extent when we needed warehouse space; but due to the contraction in the economy, we can no longer afford and no longer need warehouse space. We try to be as unobtrusive as possible. We have no construction plans; no changes to the house in any way, no sign, no foot traffic. Except for the UPS truck coming every day, you probably wouldn't even know we operate this business out of that and we like it that way. We don't want people, for the most part, to know we're there. We like being a mail-order business. We do not want a retail business.

Keith Gordon: We don't want to show. We've resisted that for the 11 years that we've been here; although we had a warehouse up at Bay Port Business Park on 16 and we could easily have had a shop there, as well; but we just resisted because it's so restrictive. It means you've got to be there 8 to 6, every day, including weekends; and that wasn't what we wanted. That's certainly not what we want in the house.

Donna Gordon: Do you have any questions of us?

Don Mazzeo: I'll open this to the board first, the commission.

Joanne Mattioni: I have no questions.

Lynn Ekelund: I have a couple and basically I'm following along with the letter that you included, along with your application dated May 2, 2011. In the first paragraph you stated that when you purchased your home in 1999, it was not only because you loved the house, but also because it was zoned both as Residential and Business.

Donna Gordon: That's what we were told and when we got our first two business licenses at that residence, Mayor Bushey was the Mayor then and he also told us our house was zoned as business, at that time.

Keith Gordon: What we did was we went to the old Town Hall and they showed us a map and you could clearly see that Mr. Hughes' house and ours were different colors than the rest.

Donna Gordon: And Robin has shown me the map that shows only

Mr. Hughes' house as business. I don't know what happened to the map that showed our house as business; I do know that the person who owned the house before us, Lisa Remington, before she opened her stained glass shop, down in Lewes; she also had a business out of her house. I was told by Mr. Addelot, whose family owned the house before Lisa Remington, that they also ran a business out of the house; so we were under the impression that our house was reserved as business.

Keith Gordon: We could just come back and carry on the way we have been, and it came as a little shock to realize that we had to get special permission; which we weren't aware of. We just naturally assumed that we were going to carry on where we left off.

Donna Gordon: We do what we have to do.

Lynn Ekelund: Okay, but, when I saw that I asked Mr. Davis why, because it was my understanding that Mr. Hughes' property was a C-1, but I didn't believe that the property next door was a C-1 and Robin got back to me saying that it has been R-1 since 1971.

Donna Gordon: As I said, we know what the previous owners of the house told us and what Mayor Bushey told us, as well; and we did have business licenses for the year 1999 and 2000, at that address.

Lynn Ekelund: Okay. As I said, I'm not going through... Based on the Remington's...

Keith Gordon: That was our mistake, but nobody seemed to be that concerned about it at that time.

Lynn Ekelund: Are there any employees of UK Goods that will not be living on the property; just the two of you?

Donna Gordon and Keith Gordon: Just us.

Lynn Ekelund: That's it?

Keith Gordon: At one time it was a lot different, but it's just tough at the moment.

Lynn Ekelund: Do you have any feel for the percentage of the home that's occupied by the business. I notice that there's a small upstairs bedroom and the basement and then the freezer in the shed.

Keith Gordon: And I work in the kitchen.

Donna Gordon: During the day.

Keith Gordon: During the day I pack parcels. Donna has a job in the afternoons. In the morning, she'll do the downloading of the orders and as much of the admin as she can.

Donna Gordon: And the rest of the time, he feeds me.

Keith Gordon: And I pack in the afternoon.

Donna Gordon: It's less than 25%.

Lynn Ekelund: Okay and I went on the website and I took a look at

your website and I see that the website lists meats and these would be stored...

Keith Gordon: They're in the freezer, yeah, and we had the USDA down since we moved and he gave the okay. He said it's fine.

Lynn Ekelund: Since you moved from the...

Keith Gordon: Since we moved from the warehouse to here. They came and saw us at the warehouse and checked stuff out. But when we moved, we told them we'd moved; they came along and said where do you keep the meat? And they said it was fine.

Lynn Ekelund: And we can...

Donna Gordon: We just came prepared.

Lynn Ekelund: And you've got two computer workstations, one in the kitchen and one in...

Keith Gordon: And one in the dining room.

Lynn Ekelund: All right, so the whole thing is less than 25%.

Donna Gordon: Oh yes.

Lynn Ekelund: Are all products that you store in any other premises, the products that are listed here in the website?

Keith Gordon: Absolutely.

Lynn Ekelund: And are any of those products hazardous?

Donna Gordon: No.

Keith Gordon: No. It's all food.

Lynn Ekelund: All food or household items?

Keith Gordon: Yes, we have some soap and things like that, which are English soaps, which people like and another product which is called Dissol, which is a disinfectant.

Donna Gordon: It's sort of like bacteria.

Lynn Ekelund: And you say that there's going to be one UPS pick up.

Keith Gordon: Yes, he comes around 4:00 everyday.

Lynn Ekelund: And how large of a truck is that?

Keith Gordon: The usual UPS truck.

Donna Gordon: Regular residential delivery truck.

Keith Gordon: It's the same guy everyday.

Lynn Ekelund: Is that Monday through Friday, or is there Saturday delivery?

Keith Gordon: No, no Saturdays or Sundays.

Lynn Ekelund: No Saturday.

Keith Gordon: God forbid, UPS should work on Saturday.

Lynn Ekelund: Is there anything else \_\_\_\_\_?

Keith Gordon: No.

Donna Gordon: Not only that, God forbid we should work on a Saturday or a Sunday.

Keith Gordon: We do work Christmas, because we have to;

Christmas is our busy, busy time.

Donna Gordon: And at that point, we will probably rent a warehouse again.

Keith Gordon: I will not be able to cope in the house, so we'll find a small space October through December.

Lynn Ekelund: What about deliveries? You say in your letter, that you go up to New York...

Keith Gordon: I go, we have a goods trailer which is in our driveway; which I use... Actually, we should have mentioned that, because I use that for packing materials. That's where I put the cardboard boxes, bubble wrap, peanuts, etc. When I go up to New York, if I need the trailer; I don't always need it; and I've got a Dodge Durango and it's amazing how much you can get in those. But if I need the trailer, I just take the packing materials off, put them in the shed, take the trailer up to New York. One in New York and one in Jersey and get the supplies and bring them back.

Lynn Ekelund: Okay, so there aren't food deliveries.

Keith Gordon: There are very, very, very occasionally. Let's say, for instance, it won't be an issue at Christmas; Christmas you're getting a lot of stuff. Impossible for me to get on my goods trailer, so then I would have to have maybe six pallets that I would have delivered.

Donna Gordon: And that's not going to be an issue.

Keith Gordon: And that's not going to be an issue, because there's no way we could take it in the house anyway.

Lynn Ekelund: That's why you'll need a warehouse.

Keith Gordon: Right.

Lynn Ekelund: And we're talking maybe October through December?

Keith Gordon: Yeah, we'll start looking in September. I hate to say it, but I am rather hoping that our warehouse is still empty, but I shouldn't wish that on anybody.

Lynn Ekelund: Now, is there any place... If you're not home, if a UPS truck is coming, do they...

Keith Gordon: Oh, they leave it on the porch; but it's never bigger than that; it's never bigger than a UPS man can lift.

Donna Gordon: If the UPS man comes to pick up in the morning...

Keith Gordon: [Garbled.] We do that frequently.

Donna Gordon: They have a key.

Keith Gordon: He doesn't have a key to the house.

Donna Gordon: No, but they did to our warehouse.

Keith Gordon: He did have a key to the warehouse and... But, it's the same guy everyday. It's the same guy.

Lynn Ekelund: All right, so he... I noticed when I went on your

website, that it includes your residential address.

Keith Gordon: Yes.

Lynn Ekelund: Does any other advertising and I consider a website advertising; include your residential address?

Donna Gordon: No.

Lynn Ekelund: No, the website does though and when you had the warehouse...

Keith Gordon: [Garbled] or anything like that, just refers back to the website.

Donna Gordon: We're not on Google Local and I don't want to be on Google Local; there's something called the Find and in the Find you can say if it is a website only and we have put that we are a website only; because we do not want people coming to the house.

Lynn Ekelund: Okay, but you do list the residential address on the website?

Donna Gordon: Only because sometimes people have to send us checks and if they pay by check or money order, they have to have the address.

Don Mazzeo: Let me just dovetail on that, just briefly. Again, looking at your website, it does have your, obviously, your address here, but it goes a little further and it says "We do not have a retail shop"; which I understand completely; but then it also says, "Please place your order by our website or by phone before you travel to our location." Are you expecting people to come?

Keith Gordon: We have about six people, literally, who are English, who live in this area, who have been shopping with us for years. Now, we did not turn them away; when they put their orders in, we got in touch with them, this is like three months ago; and said, we've moved. And they said are you still in the area? We said, yeah, we're in our house now. Can we still come? Yes, just to pick up.

Donna Gordon: And we park in our driveway for the two minutes that you're there and they literally come, we hand them...

Don Mazzeo: You also have your trailer in your driveway and you're your visitors to also park in your driveway.

Keith Gordon: There's a car in front of the house.

Don Mazzeo: And the UPS truck has just pulled in.

Donna Gordon: We've never had that situation.

Keith Gordon: Well you could park in front of my Durango; and block the drive; it wouldn't matter.

Donna Gordon: Literally, it's about two minutes and if you told us that you could not have anymore pickups at your house, we will make it so that there are no more pickups at our house.

Keith Gordon: It would be upsetting as I said for half a dozen,

literally half a dozen people.

Donna Gordon: We are beholden to you and we will do what we need to do to make sure that we're right with the Town of Milton.

Lynn Ekelund: I have one more question. I also went to the testimonials portion of the website. It talks about a monthly Newsletter.

Donna Gordon: Yes.

Lynn Ekelund: Do you include your residential address in the monthly newsletter?

Donna Gordon: No.

Lynn Ekelund: Okay, that's it for me.

Donna Gordon: No and like I said, that was still on our website from when we were at the warehouse. I didn't even remember it was there. We have had people, occasionally, call us, saying we're at the warehouse and I can't find the store. That's why we put that verbiage in there. That we are not a store.

Keith Gordon: A lot of time in the summer we would be out around 3 o'clock in the afternoon and down to the Yacht Club, and people would literally show up expecting there to be a store, so that's... I'd forgotten all about that, but that's obviously the reason that it's in there.

Donna Gordon: If you want me to, I will go home and delete it this evening. I have no problem with that. If I had a computer, I could do it in front of you. That's a little hard to copy and paste with. I have my iPhone, I could do it with my iPhone.

Don Mazzeo: Are there any other questions, comments, statements by any other Commission members before I ask a few questions? This is considered a home occupation, basically, is it not?

Robin Davis: No.

Don Mazzeo: No?

Robin Davis: It does not meet the definition.

Don Mazzeo: It does not meet the definition.

Robin Davis: Because they are storing goods at the home, so they cannot be a home occupation. That's why the Gordons have to come before the Commission for a Conditional Use and not a special permitted use; which home occupations fall under.

Don Mazzeo: That's what I wanted to hear. You have qualified this applicant to be what, again, this is me. I'm only one member of the Commission that suggests that because Milton is a small town; Milton needs business; Milton doesn't want to have an industrial complex \_\_\_\_\_; we do want small businesses. I heard nothing negative from your surrounding neighbors. Apparently, those who have either written or shown up, have not had any complaints. Obviously, the rest of them who are around you, have not any



complaints in the past and they are not here tonight to voice their opinion. Based on that alone, I would tend to approve this application if we have a motion to do so.

Bob Heinrich: I make a motion that we approve the application conditionally as required.

Robin Davis: We just have to be careful... You're recommending something to the Council, so you can either make a motion to recommend approval or disapproval of this application, without conditions.

Bob Heinrich: Okay, I want to rephrase any recommendation to make a motion to recommend to the Council to approve this conditional application.

Don Mazzeo: I want to add too, that I would like to have...

Lynn Ekelund: Second.

Don Mazzeo: I would like to amend that and have the street address removed from your website.

Donna Gordon: Okay.

Lynn Ekelund: And I would like to further amend yet, with the condition that a warehouse be rented between October and December of 2011, the Christmas Season.

Keith Gordon: Does it have to be on October 1<sup>st</sup>, because if my suppliers say you're not going to start until the 14<sup>th</sup> of October, then...

Lynn Ekelund: The Christmas Season of 2011.

Keith Gordon: Yes. That's the way we normally do it, was we try to get the product in as early as possible for obvious reasons; but quite often Homeland Security and other considerations, they hold this stuff up at the docks and then people have lost a lot of money over the past few years because of situations like this. One of our suppliers lost his whole Christmas; tens of thousands of dollars.

Donna Gordon: He lost his business because it came in the first of October, and they didn't release their Christmas order until December 15<sup>th</sup> and they were out their sales.

Don Mazzeo: We have a motion with amendments...

Joanne Mattioni: I have something to say. I don't really think it's necessary for them to remove their address from the website, when they say that they are a mail order only; for the reason that Donna says. Sometimes someone might need to write to them or something or to send a check. As long as their website clearly states that they are a mail order business only, I see no reason for her to remove the address. It may be necessary for their clients; their mail order clients to have that address.

Keith Gordon: Could we remove the wording about "Please come to our website..."

Joanne Mattioni: Yes, that definitely.

Donna Gordon: We will remove that.

Lynn Ekelund: I misunderstood.

Donna Gordon: We will remove that this evening.

Joanne Mattioni: I don't think it's necessary to remove the address for people...

Don Mazzeo: They're going to make it to your residence/business location regardless of whether your address is on that website or not.

Keith Gordon: Well, I mean, let me put it this way; if someone has called up and said I want to buy X amount of chocolate...

Donna Gordon: We'll meet them someplace.

Keith Gordon: I don't think these people are really going to be that much of a problem to have them pull up outside and we just hand them; we're just walking to them now. I don't want people walking around my house. I will meet them on the porch; if the weather is bad, then I invite them in to the foyer, but I don't encourage people to use my house as a shop. But if that's the condition, then that can be gotten over with, with no problem whatsoever.

Don Mazzeo: We have a motion, with several amendments, and we had a discussion over whether the address should be removed, or not. As it is presented, right now, do we have a second?

Bob Heinrich: We had a second.

Don Mazzeo: But we have amendments now.

Bob Heinrich: Unless you want to change one of those amendments.

Don Mazzeo: I would still prefer not having the street address on there.

Donna Gordon: Can I still say Milton, Delaware?

Don Mazzeo: Absolutely.

Donna Gordon: Okay.

Don Mazzeo: Absolutely.

Bob Heinrich: May I just ask a question? I also can understand the reason for having a street address, as I do my own little businesses on the Internet and PayPal is a very common way for people to pay; but there are also many times when people want to send you a check. Now the only alternative to that would be to have a post office box; which would incur additional expense on you. I don't know what that would come to, but I can almost see the need for having the address, as long as it is properly stated that it is not an open shop for business. I don't really like the verbiage about "before you travel, call us".

Donna Gordon: I will remove that this evening; when we get home, I'll remove that.

Bob Heinrich: I see the need for having an address in there, if somebody does want to send a check; because you want to get paid and not everybody has PayPal. I've been there myself. So that's my problem.

Donna Gordon: Also, I'm thinking about it now. Our payment providers, Visa, MasterCard, PayPal; all of them require an address.

Bob Heinrich: That's true.

Joanne Mattioni: Yes.

Lynn Ekelund: How about if we take a shot at redoing the entire motion?

Bob Heinrich: With what?

Robin Davis: I think the warehouse issue is okay; it's just whether we want to change the wording from to having her remove the street address on the website, to remove the wording that says "Come to our..."

Don Mazzeo: I would prefer that if that's okay with you.

Robin Davis: We have amended Mr. Mazzeo's wording, the amended portion of the street address.

Don Mazzeo: I will withdraw that amendment and we will move forward with a roll call vote.

Lynn Ekelund: I would add a note on that.

Don Mazzeo: We have another one.

Lynn Ekelund: My opinion is that at your convenience, your earliest convenience, you remove the portion of the website which is at the bottom, that says "UK Goods is a mail order company. We do not have a retail shop which is opened to the public. Please place your order via our website or by phone." And delete from "Before you travel to our location we cannot guarantee personnel will be at our warehouse during the hours listed."

Donna Gordon: Okay, I will do that when I get home.

Lynn Ekelund: If that can be done, you can leave the rest of it.

Donna Gordon: It can and it will.

Lynn Ekelund: Great.

Don Mazzeo: We now have a re-amended motion for recommendation for approval for this application to Mayor and Council. We'll have a roll call vote please:

Joanne Mattioni

I vote yes. I see no problem with the kind of business that they are going to operate in the Town of Milton.

Lynn Ekelund

I vote to approve with the conditions that we have enumerated. I think that they are a great addition to the community already and will

	continue to be so.
Bob Heinrich	I also vote yes and wish you well in your business. You're the kind of people that make America great.
Don Mazzeo	I vote yes for approval. I again repeat myself that this is something that Milton needs. We need businesses, we want small businesses, and we like businesses in town.

Don Mazzeo: The motion has passed for recommendation to Mayor and Council for approval for conditional use at the location 303 Chestnut Street.

Donna Gordon: Thank you very much.

Robin Davis: The Mayor and Council will vote on this on June 6<sup>th</sup>.

**b) Sign Ordinance Review**

Review and discussion on proposed changes to Section 220-6 and 220-57 through 220-65 of the zoning and ordinance pertaining to signage

Don Mazzeo: We probably are not voting; we're not going to spend an awful lot of your time this evening on the Sign Ordinance Review.

Joanne Mattioni: I actually...

Don Mazzeo: I saw your message.

Joanne Mattioni: And I suggest that we table this until the next meeting so people can have a chance to look at the recommendations from Dick Farrell with DEDO and I think that he has some good suggestions here and I think it would be very good for us if the longer he's in the existing ordinance, before making the kind of motion to amend it.

Don Mazzeo: Well, we were not at this stage going to make any recommendations. This session and subsequent session will likely be, almost like workshops.

Joanne Mattioni: Okay.

Don Mazzeo: To the extent that Robin has and you may already have it in your packet there, I think three other towns...

Robin Davis: I think it's two more.

Don Mazzeo: We have four now.

Robin Davis: I think you have Milford, Lewes and Newcastle; I think there's Dover and Rehoboth; I think are the other two on your list.

Joanne Mattioni: Okay.

Don Mazzeo: We still have to deal with having to bring those to the table and also the fact that we still have two additional members that it would be beneficial to have to hear our comments, as a Commission and have their input. Right now we have four members and that's not a full enough commission, in my estimation, to have an open discussion. You can throw out a couple of ideas or comments, but quite honestly; it's not going to do an awful lot of people a lot of good, because not everybody's here to listen to us.

Joanne Mattioni: Right.

Don Mazzeo: So I will take a motion to table this until another meeting, whether it be next month or subsequent months.

Lynn Ekelund: So moved.

Joanne Mattioni: Second.

Don Mazzeo: All in favor say aye. Opposed. Motion to table the Review of the Sign Ordinance's until a future date. Robin you'll put that on a future date.

Robin Davis: What we'll do is just keep putting it on the next agenda and then we'll see how it would couple with other items. That way it can be brought up briefly if need be.

#### 8. Adjournment

Don Mazzeo: Do I have a motion for adjournment?

Joanne Mattioni: I make a motion to adjourn at 7:34 p.m.

Lynn Ekelund: Second.

Don Mazzeo: We have a motion and a second to adjourn. All in favor say aye. Opposed. Motion carried. Thank you all.